

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

TOTAL REBUILD, INC.,)	
)	No. 6:15-cv-01855-TAD-CBW
Plaintiff/Counter-Defendant,)	
)	JUDGE TERRY A. DOUGHTY
vs.)	
)	MAGISTRATE JUDGE WHITEHURST
PHC FLUID POWER, L.L.C.,)	
)	JURY TRIAL DEMANDED
Defendant/Counter-Claimant.)	
)	

**OPPOSED MOTION FOR EXTENSION OF TIME TO FILE
OPPOSITION TO DEFENDANT’S MOTION IN LIMINE REGARDING
ACCUSED SYSTEMS NOT IDENTIFIED IN INFRINGEMENT CONTENTIONS**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, Total Rebuild, Inc. (“Total”), who respectfully moves this court for an Extension of Time to file its opposition to Defendant, PHC Fluid Power, L.L.C.’s (“PHC”) Motion in Limine Regarding Accused Systems Not Identified in Infringement Contentions (Rec. Doc. 296), respectfully representing as follows:

1.

On July 30th, 2019, this Court granted Total’s Motion for Extension of Time to file its Oppositions to Motion in Limine Doc. Nos. 290, 293, 295, and 296 in this matter until August 26th, 2019. (Rec. Doc. 301).

2.

Total intends to file Oppositions to Motion in Limine’s Doc. Nos. 290, 293 and 295 as per the Court’s order. However, Total believes it will not be able to timely file its Opposition to Motion in Limine Doc. No. 296, due to Total’s counsel member, Ryan Goudelocke, falling ill with flu symptoms.

3.

Total's Opposition to Motion in Limine Doc. No. 296, was assigned to Total's counsel Ryan Goudelocke. Ryan Goudelocke fell ill with flu symptoms yesterday Sunday, August 25th, and is currently unable to work. With this unexpected illness and three other oppositions to finalize and file, Total believes it will not be able to timely file its Opposition to Motion in Limine Doc. No. 296.

4.

With Ryan Goudelocke's return unknown and Total's other counsel being overwhelmed with other pretrial matters due September 2nd, Total respectfully request this Court to extend the time to file its opposition to PHC's Motion in Limine's Doc. No. 296 until Friday, August 30, 2019.

5.

Total believes the granting of this motion will not affect any other deadline before this Court.

6.

Total has spoken with PHC's counsel regarding this extension and PHC has agreed to extend the deadline until Tuesday, August 27th, 2019. However, PHC opposes this Motion for Extension of Time for any date other than August 27th, 2019.

WHEREFORE, Plaintiff, Total Rebuild, Inc. respectfully request this Court GRANT this Motion for Extension of Time to File its Opposition to Motion in Limine Doc. No. 296 and accordingly extend the time for Total Rebuild, Inc. to file it opposition until Friday, August 30, 2019.

Respectfully submitted

/s/ Tyler Rush

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Attorneys for Plaintiff Total Rebuild, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO DEFENDANT’S MOTION IN LIMINE REGARDING ACCUSED SYSTEMS NOT IDENTIFIED IN INFRINGEMENT CONTENTIONS** has been electronically filed via the Court’s CM/ECF system, which will provide notice to all counsel of record, this 26th day of August, 2019. I hereby certify that Total conferred with PHC regarding the foregoing motion and they have opposed this Motion.

/s/ Tyler Rush

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